

Case 2873

Emys Duméril, 1806 (Reptilia, Testudines): proposed conservation

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Abstract. The purpose of this application is the conservation of the turtle generic name *Emys* Duméril, 1806. This has the senior synonym *Emydes* Brongniart, [1805], which has not been used as a valid name and of which suppression is sought. The type species of *Emys* is *Testudo lutaria* Linnaeus, 1758, long treated as a junior synonym of *Emys orbicularis* (Linnaeus, 1758), the European pond turtle.

1. Duméril (1806, p. 76) made the name *Emys* available by providing a brief description. The entry begins: '3. Les ÉMYDES (*emys*) forment un genre ...'; other genera (e.g. 'Les TORTUES (*testudo*)') were treated similarly. On the next page the genus is referred to as 'Emyde' in a taxonomic key; in context 'Emyde' is used here as a vernacular name like 'Tortue'. No nominal species are mentioned in Duméril's work.

2. Fitzinger (1843, p. 29) designated '*Emys europaea*. Schweigg.' as the type species of *Emys*. The *Emys europaea* of Schweigger (1812, p. 305) is *Testudo europaea* Schneider, 1783 (p. 323). *Testudo europaea* and *T. orbicularis* Linnaeus (1758, p. 198) are regarded as synonyms. Fitzinger's type species designation has been accepted by most authors but is invalid (see below).

3. Bell (1828, p. 515) had earlier specifically given *Emys picta* (*Testudo picta* Schneider, 1812, p. 306, currently *Chrysemys picta*) as the type species of *Emys*. This designation would be highly disruptive of nomenclatural stability: *Emys* would replace *Chrysemys* Gray, 1844 (p. 27) for the widespread North American painted turtle *C. picta*, and *Emys* as always used would need another generic name.

4. Fortunately Bell's type designation is invalid. Lindholm (1929, pp. 281-282, footnote), noting that Duméril (1806) did not mention any nominal species in his genera, pointed out that Froriep (1806, p. 77) had in his German translation of Duméril allocated the two species *Testudo lutaria* Linnaeus, 1758 and *T. ferox* Schneider, 1783 to *Emys*. These two nominal species were the first to be included in the genus and only from them can the type species be selected (Article 69a(i)(1) of the Code). This was done by Lindholm (1929, p. 282, footnote) who designated *T. lutaria* as the type species. Loveridge & Williams (1957, p. 201) also cited *T. lutaria* Linnaeus as the type. Bell's and Fitzinger's designations are invalid because they were not of either of the nominal species included in *Emys* by Froriep.

5. Linnaeus published the two names *Testudo orbicularis* and *T. lutaria* together (1758, p. 198). Modern authors have recognized these two names as synonyms (e.g. Mertens & Wermuth, 1955, p. 349; 1960, p. 63; Loveridge & Williams, 1957, p. 202; Wermuth & Mertens, 1961, p. 79; 1977, p. 26). Their simultaneous publication requires first reviser choice of precedence; this was effected by Mertens & Wermuth

(1960, p. 12) who selected *orbicularis* as the valid name. All modern works (see, for example, Alderton, 1956; Ernst & Barbour, 1989) adopt the name *Emys orbicularis* for the European pond turtle, whose range extends from North Africa through southern Europe to S.W. Asia.

6. A number of early authors credited Brongniart, and not Duméril, as author of *Emys* (e.g. Gray, 1825, p. 210; 1844, p. 14; [1856], p. 19; Bell, 1828, p. 515; Bonaparte, 1830, pp. 141, 161, 164; Fitzinger, 1835, p. 123; 1843, p. 29; Agassiz, 1857, p. 441). Duméril & Bibron (1834, p. 246, footnote), Agassiz (1857, p. 241) and Smets (1889, p. 12) specifically stated that Brongniart used the name *Emys*. However, so far as known the spelling *Emys* does not appear in any of Brongniart's papers.

7. An abbreviated account of Brongniart's classification, published in An VIII of the French Revolutionary calendar (i.e. 23 September 1799 to 22 September 1800), dealt only with higher categories and did not mention generic names. Brongniart's generic names first appeared in two papers at about the same time ([1805], p. 27; 1806, p. 611); the pertinent passage is nearly identical in both papers, and because of its relative brevity and scarcity it is quoted in its entirety ([1805], p. 27):

'2e genre.—Emyde, *emydes*

Les espèces de ce genre ont les doigts distincts, tantôt séparés, tantôt à demi palmés, quelquefois même entièrement palmés; ils sont terminés par des ongles très-crochus.

Les unes ont un nez cylindrique en forme de tube; leur carapace est molle, et l'animal ne peut y renfermer entièrement ses membres. Telles sont les *E. ferox*, *E. rostrata*, *E. matamata*, etc.

Les autres ont la carapace et le plastron solides, et elles peuvent non seulement se retirer entièrement dessous leur carapace, mais quelquefois même la fermer exactement, par suite de la mobilité des pièces du plastron. Les espèces de cette division ressemblent beaucoup aux tortues proprement dites. On doit y rapporter la tortue bourbeuse, *E. lutaria*; la tortue pensilvanique, *E. pensilvanica*; la tortue à boîte, *E. clausa*, etc.

Les émydes vivent dans l'eau douce; quelques espèces sont carnivores et se nourrissent de poissons et de coquilles'.

A footnote added: 'J'avais donné dans le manuscrit de ce mémoire un autre nom à ce genre; mais j'ai adopté celui qui a été choisi par M. Duméril dans ses *Éléments d'histoire naturelle*'. The work referred to is Duméril (1804), which gave only French vernacular names; p. 233 mentioned 'Les émydes'.

8. Brongniart's [1805] work, a quarto book, was published in An XIII (23 September 1804 to 22 September 1805). The 1806 journal article was published in January 1806; in this the names were capitalized (e.g. TORTUE, TESTUDO and EMYDE, EMYDES). Brongniart had originally read his paper long before, on 'le premier pluviôse An 8' (21 January 1800), using then some other name for *Emydes* (according to the footnote mentioned above).

9. *Emydes* was italicized by Brongniart in 1805 and 1806 and there is no reason to reject its availability; although Sherborn (1925, p. 2151, citing the 1806 reference) was doubtful, Neave (1939, p. 224) listed *Emydes* without comment. *Emydes* Brongniart, [1805] antedates *Emys* Duméril, 1806, but the two names are not necessarily objective synonyms since no type has been selected from among the six included nominal species of *Emydes* (presumably because no one has treated *Emydes* as a valid name).

Two of Brongniart's originally included nominal species of *Emydes* are *E. ferox* and *E. lutaria*, which are the two species placed by Froriep (1806) in *Emys* (see para. 4 above). Each of Brongniart's six nominal species of *Emydes* belongs to an accepted but junior genus, and to adopt it with any one of them as type would be highly disruptive of nomenclatural stability.

10. To conserve *Emys* Duméril, 1806 and to record the correct fixation of its type species the International Commission on Zoological Nomenclature is asked:

- (1) to use its plenary powers to suppress the generic name *Emydes* Brongniart, [1805] for the purposes of the Principle of Priority but not for those of the Principle of Homonymy;
- (2) to place on the Official List of Generic Names in Zoology the name *Emys* Duméril, 1806 (gender: feminine), type species by subsequent designation by Lindholm (1929) *Testudo lutaria* Linnaeus, 1758 (a junior subjective synonym of *Testudo orbicularis* Linnaeus, 1758);
- (3) to place on the Official List of Specific Names in Zoology the name *orbicularis* Linnaeus, 1758, as published in the binomen *Testudo orbicularis* (senior subjective synonym of the specific name of *Testudo lutaria* Linnaeus, 1758, the type species of *Emys* Duméril, 1806, by the first reviser action of Mertens & Wermuth, 1960);
- (4) to place on the Official Index of Rejected and Invalid Generic Names in Zoology the name *Emydes* Brongniart, [1805], as suppressed in (1) above.

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